

**STATE OF MICHIGAN**

**GOVERNOR'S TASK FORCE ON CHILDREN'S JUSTICE**

**A Model Child Abuse**  
*PROTOCOL*  
**Coordinated Investigative Team Approach**



**GOVERNOR'S TASK FORCE ON CHILDREN'S JUSTICE**  
**SUBCOMMITTEE**  
**State of Michigan**  
**Family Independence Agency**

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## INTRODUCTION

In December 1991 the Governor's Task Force on Children's Justice was created pursuant to federal legislation to respond to the tremendous challenges involved with the handling of child abuse -- particularly child sexual abuse -- cases in Michigan.

One of the cornerstone recommendations of the task force was the development of a protocol for handling of child abuse cases in Michigan. After many months of work by the Task Force, a model protocol was developed and adopted. The protocol was revised in 1998.

This protocol is designed to be adapted at the local level, county by county, applying the attached guidelines for developing community-based interagency child abuse protocols. Prosecutors are encouraged to take a leadership role in the construction and implementation of a local protocol using this model and the attached guidelines.

The application of this protocol will be enhanced by statewide training sponsored by the Governor's Task Force and the Family Independence Agency and conducted by a highly trained multi-disciplinary team. The purpose of this training is to prepare local investigators and team members to conduct competent child abuse investigations, which will reduce trauma to children while protecting the rights of the accused.

## I. STATEMENT OF PURPOSE

Responding to child abuse is a profound challenge for every community. Prosecutors, law enforcement, child protective services, and other professionals recognize the special needs of child victims and are committed to working together to respond to the problem.

This protocol shall apply to those situations described in Section 8(3) of the Child Protection Law, as amended. This protocol shall serve as a minimum standard for investigations and should be expanded at the local level.

The Michigan Child Protection Law (MCL 722.621 et seq.) at Section 8(3) Provides:

In conducting its investigation, the department shall seek the assistance of and cooperate with law enforcement officials within 24 hours after becoming aware that 1 or more of the following conditions exists:

- (a) Abuse or neglect is the suspected cause of a child's death.
- (b) The child is the victim of suspected sexual abuse or sexual exploitation.
- (c) Abuse or neglect resulting in severe physical injury to the child requires medical treatment or hospitalization. For purposes of this subdivision, *severe physical injury* means brain damage, skull or bone fracture, subdural hemorrhage or hematoma, dislocation, sprains, internal injuries, poisoning, burns, scalds, severe cuts, or any other physical injury that seriously impairs the health or physical well-being of a child.
- (d) Law enforcement intervention is necessary for the protection of the child, a department employee, or another person involved in the investigation.
- (e) The alleged perpetrator of the child's injury is not a person responsible for the child's health or welfare.

It is recognized that there is a need for coordination of services for abused and neglected children and their families. In order to provide a more consistent and appropriate response to children, representatives of designated agencies agree to adopt and adhere to this protocol.

List participating agencies:

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## II. GOALS

The overriding philosophy of this protocol is to consider first and foremost *what is best for the child* while ensuring the rights of the accused. The following goals are the basis for this policy:

- A. To ensure child abuse cases are properly and effectively investigated and prosecuted.
- B. To reduce trauma and provide protection and continued support for abuse victims and their families.
- C. To improve cooperation among professionals and agencies to develop a common goal of improved management of child abuse cases.
- D. To increase awareness and reporting of child abuse cases.
- E. To ensure proper training for all professionals covered by this protocol.



### III. REPORTING CHILD ABUSE AND NEGLECT

- A. When child abuse or neglect as defined in Section 8(3) of the Child Protection Law is reported, CPS shall do the following:
  - 1. Immediately notify the appropriate designated law enforcement Coordinated Investigative Team (CIT) member/agency.
  - 2. Notify the designated team leader (prosecutor).
- B. Each CIT law enforcement agency shall establish written procedures apprising CPS of the following:
  - 1. How to handle child abuse cases after normal business hours, weekends and holidays.
  - 2. Procedures to immediately notifying CPS when a report of child abuse is received by the agency.

## IV. COORDINATED INVESTIGATIVE TEAM APPROACH

### A. Coordinated Investigative Teams (CITs)

1. Each member of the team(s) should have received specialized training in the handling of abuse and neglect cases.
2. The team(s) will include the following individuals:
  - a) Prosecuting Attorney - Team Leader
  - b) Police Investigators
  - c) Protective Services Workers
  - d) Medical Professionals
  - e) Mental Health Professionals
3. Not every case will require the participation of all team members.
4. Each law enforcement agency shall designate at least one officer and an appropriate backup officer, specifically identified and specially trained to handle cases of child abuse occurring within its jurisdiction.
5. Cases of child abuse occurring in the following locations will be handled by the agency listed below:

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**Note:** *A specific law enforcement agency and officers should be identified for all unincorporated areas within the county to ensure uniform coverage. It is recommended that these responsibilities be divided between the sheriff's department and local state police posts.*

6. All designated team members shall be provided with a telephone and/or pager number contact list which shall be maintained and distributed by the team coordinator. This list shall be updated as necessary.
7. Lien check authorization numbers needed by CPS to complete lien checks will be reviewed and clarified by the appropriate law enforcement agency.

B. Investigative Objectives:

1. Determine if child was abused or neglected by a person responsible for the child's health or welfare and whether the child is in need of protection;
2. Determine if there is probable cause to believe a crime has been committed and if so, who committed it;
3. Minimize trauma to the victim;
4. Ensure fairness to the accused.

## V. PROSECUTORS

- A. The prosecuting attorney for each county shall do the following:
  - 1. Take a leadership role in the development and implementation of a local child abuse protocol in accordance with this statewide protocol and exhibit 1 of this document.
  - 2. Coordinate the activities of the CIT.
  - 3. Provide legal counsel on issues relative to the investigation and prosecution of child abuse.
  - 4. Facilitate in-service training for local members of the CIT at least annually.
- B. The prosecuting attorney of each county shall establish consistent practices for the charging, plea negotiation, and disposition of child abuse cases which achieve the following:
  - 1. Minimize trauma to the child victim throughout all legal proceedings.
  - 2. Ensure the rights of the accused.
- C. To enhance the advocacy of child abuse victims, the prosecuting attorney shall do the following:
  - 1. Designate a staff member to act as the advocate for child abuse victims.
  - 2. Establish an office policy that accommodates the special needs of child abuse victims and their exposure to the civil and criminal justice system.

## **VI. CHILD PROTECTIVE SERVICES AND POLICE INVESTIGATIONS**

- A. The CIT shall do the following:
  - 1. Interview victim(s) pursuant to the Governor's Task Force Forensic Interviewing Protocol.
  - 2. Interview witnesses, including children.
  - 3. Interview members of the victims family, including children.
  - 4. Collect and preserve evidence.
  - 5. Interview the accused.
- B. The designated CIT law enforcement member, in consultation with the prosecuting attorney and Child Protective Services, shall be responsible for:
  - 1. Collecting and retaining evidence;
  - 2. Interviewing victim(s), the accused, and witnesses;
  - 3. Arranging the location of interviews;
  - 4. Determining the methods used in interviews.

Section 8(5) of the Child Protection Law provides:

Involvement of law enforcement officials pursuant to this section shall not relieve or prevent the department from proceeding with its investigation or treatment if there is a reasonable cause to suspect that the child abuse or neglect was committed by a person responsible for the child's health or welfare.

- C. When an allegation involves sexual and/or severe physical abuse which occurred in the past 72 hours, the CIT shall arrange for an immediate medical exam. Whenever possible, the exam shall be provided by protocol trained medical personnel.
- D. When an allegation involves sexual and/or severe physical abuse which did not occur within the past 72 hours, an exam at a medical facility specializing in child abuse exams is strongly recommended.

## VII. MEDICAL PERSONNEL

A. Medical personnel shall do the following:

1. Interview the child for medical diagnosis and/or treatment.
  - a) The person examining the child should conduct the interview whenever possible.
  - b) Interview the child alone whenever possible.
  - c) Document the child's verbatim statements regarding abuse.
    - 1) Accurate and detailed statements from children are essential for other CIT members.
    - 2) Statements concerning child abuse made by a child for the purpose of medical diagnosis and/or treatment are generally admissible in court.
  - d) An evaluation report shall be submitted to CPS.
2. Specially trained medical personnel shall conduct a physical exam of the child.
  - a) Test according to standardized sexual assault protocol.
  - b) Use rape kit when appropriate.
  - c) Take cultures (vagina, anus, urethra in males, mouth) when history or physical examination suggests a likelihood of sexually transmitted disease.
  - d) Test for baseline serology (VDRL, HIV, Hepatitis B) if indicated by history or exam.
  - e) Document results of medical exam using body maps and photographs.

B. If there is reasonable cause to suspect sexual and/or physical abuse has occurred, medical personnel must notify CPS immediately and submit completed FIA-3200 form within 72 hours.

C. The child may be admitted to the hospital without parental consent when:

1. Parents threaten to remove the child against medical advice.
2. Release would endanger the child's health or welfare.

D. The child may be retained until the next regular business day of the Family Division of Circuit Court. CPS must be notified immediately that a child is in temporary protective custody.

## VIII. MENTAL HEALTH PERSONNEL

- A. Mental Health Personnel shall do the following:
  - 1. Determine if there is reasonable cause to suspect child abuse and/or neglect.
  - 2. If there is reasonable cause:
    - a) Telephone referral to CPS immediately.
    - b) Submit completed FIA-3200 form within 72 hours.
- B. If forensic evaluation of child victim(s) and family is requested by CIT:
  - 1. Interview victim(s) using the Governor's Task Force Forensic Interviewing Protocol as a model.
  - 2. The same therapist should evaluate all family members involved in the case.
  - 3. Interview all children in the victim's family if they have had any contact with the accused.
  - 4. Submit evaluation report to CPS.

## IX. SCHOOL PERSONNEL

A. School Personnel or regulated child care provider shall to the following:

1. Determine if there is reasonable cause to suspect child abuse or neglect.
2. If there is reasonable cause:
  - a) Telephone referral to CPS immediately.
  - b) Submit completed FIA-3200 form within 72 hours.

*Note: Reporting the suspicion to a superior or administrator does not meet the requirement imposed by law.*

3. Public and private schools and other institutions shall cooperate with FIA during an investigation of reported child abuse or neglect.
4. School personnel should cooperate with the CIT.
  - a) Cooperation includes:
    - i) Allowing access to the child without parental consent pursuant to Section 8(8) of the Child Protection Law.
    - ii) Allowing FIA to interview the child alone regardless of whether law enforcement is present.
      - (A) Before contact with the child, FIA shall review FIA's responsibility under Section 8(9)(a) of the Child Protection Law with the designated school staff person.
      - (B) After interviewing the child, FIA shall review with the designated staff member and the child the response that FIA will take pursuant to Section 8(9)(b).
      - (C) FIA may share additional information with the designated staff member without the child present pursuant to the confidentiality provisions of the Child Protection Law.
  - b) Immediately after the interview, FIA shall notify the person responsible for the child's health and welfare that FIA or law enforcement had contact with the child.
  - c) Temporary delay in notification is permitted if the notice would compromise the safety of the child or the child's siblings, or the integrity of the investigation.
  - d) Investigation of child abuse is the responsibility of FIA and law enforcement officials pursuant to the Child Protection Law.
    - i) School staff are not to investigate or determine if abuse actually occurred.



- ii) No child shall be subjected to a search at school that requires the child to expose buttocks, genitalia, or breasts under Section 8(8).
  - e) Lack of cooperation by the school does not relieve or prevent FIA from proceeding with its responsibilities under the Child Protection Law.
5. The law does not preclude a school from investigating reported claims of child abuse by its employees, provided that all other requirements imposed by the law are first met.
- a) An *internal* investigation shall not take precedence over the requirements of reporting to FIA or law enforcement.
  - b) An *internal* investigation shall not interfere with or hinder an investigation being conducted by FIA or law enforcement.
  - c) An *internal* investigation must be coordinated with any investigation being conducted by FIA or law enforcement to ensure proper case management for possible criminal investigation.
6. All of the above are required and should be complied with regardless of any other requirements of the school.

Section 3(1) of the Child Protection Law states:

A physician, coroner, dentist, registered dental hygienist, medical examiner, nurse, a person licensed to provide emergency medical care, audiologist, psychologist, marriage and family therapist, licensed professional counselor, certified social worker, social worker, social work technician, school administrator, school counselor or teacher, law enforcement officer, or regulated child care provider who has reasonable cause to suspect child abuse or neglect shall make immediately, by telephone or otherwise, an oral report, or cause an oral report to be made, of the suspected child abuse or neglect to the department. Within 72 hours after making the oral report, the reporting person shall file a written report as required in this act. If the reporting person is a member of the staff of a hospital, agency, or school, the reporting person shall notify the person in charge of the hospital, agency or school of his or her finding and that the report has been made and shall make a copy of the written report available to the person in charge. One report from a hospital, agency, or school shall be considered adequate to meet the reporting requirement. A member of the staff of a hospital, agency, or school shall not be dismissed or otherwise penalized for making a report required by this act or for cooperating in an investigation.

## **X. GENERAL PRINCIPLES**

- A. Confidentiality is imposed upon both FIA and the law enforcement agency. While the law enforcement agency may receive information from the central registry of FIA, the statute provides that information may only be given to another entity named in the statute.
- B. Videotaping or audiotaping interviews should be approved in advance by the prosecuting attorney, bearing in mind that copies of *all* interviews, inculpatory or exculpatory, must be retained.
- C. The results of all exams of the child performed by specialized personnel (including medical, psychiatric, and psychological evaluations) shall promptly be made available to CPS.
- D. When it is determined that the accused is not a “person responsible for the child’s health or welfare,” as defined in the Child Protection Law, CPS shall promptly turn the case over to the appropriate law enforcement agency for investigation and disposition.
- E. Open communication between all parties is encouraged to resolve difficulties that may arise in the use of this protocol.
- F. The best interest and welfare of the child are of primary importance and the ultimate disposition in each case should reflect this principle. The opinions and advice of all agencies involved in protecting the child should be considered before any final decisions are made.
- G. Anatomically explicit dolls and other aids, if used, should only be used with caution.
- H. To ensure that accurate information is received from the child and to protect the rights of the accused, all CIT members should utilize the Governor's Task Force Forensic Interviewing Protocol.
- I. More than one interview may be necessary to complete the investigation.

This protocol is hereby agreed to and approved by the following agencies. This protocol may be amended as deemed necessary with the approval of the signing agencies:

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NAME\_\_\_\_\_ DATE\_\_\_\_\_

AGENCY\_\_\_\_\_

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Copies printed: 2,000  
Cost \$911.50 (.45 ea)  
Authority: FIA Director

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